

Application No. 10/019,904
Paper Dated October 18, 2006
In response to USPTO correspondence of 07/18/2006
Attorney Docket No. 3305-012184

REMARKS

Claims 1, 2, 4, 7, 14-17, 23 and 24 stand rejected under 35 U.S.C. § 102(e) for anticipation by U.S. Patent No. 6,381,488 to Dickey et al. Claims 3, 5, 6, 8-13 and 18-22 stand rejected under 35 U.S.C. § 103(a) for obviousness from the various teachings from the Dickey et al. patent and U.S. Patent Nos. 6,023,637 to Liu et al.; 6,081,577 to Webber; 6,216,540 to Nelson et al.; 5,553,139 to Parker et al.; and 5,692,510 to Gordon et al. Reconsideration is requested.

The present application is the national stage application of International Application No. PCT/US00/16851, filed June 20, 2000, which claims priority from U.S. Provisional Patent Application No. 60/140,128, filed June 21, 1999. Hence, the present application has an effective priority date of June 21, 1999. The Dickey et al. patent has an effective filing date of June 15, 1999 - only six days prior to the filing of the provisional patent application.

To antedate the Dickey et al. patent as a reference against the present application, Applicants submit the accompanying Declaration under 37 C.F.R. § 1.131. In the attached Declaration, Mr. Victor John Yannacone, Jr. declares that the inventors of the above-identified application conceived of the present invention prior to February of 1999, and that from the date of conception until the filing date of the above-identified provisional application on June 21, 1999, the inventors diligently pursued reducing the invention to actual practice, explaining the invention to patent counsel at the The Webb Law Firm, P.C. and reviewing the patent application prepared by patent counsel. In addition, Mr. Yannacone declares that the original images comprising Figs. 8a and 8b of the above-identified provisional application, which figures evidence an actual reduction to practice of the invention, were made prior to June of 1999 [See attached Exhibit 1 which includes copies of the images comprising Figs. 8a-b in the above-identified provisional application and the

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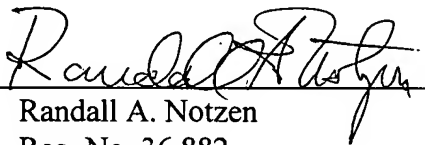
date of acquisition of these images]. Accordingly, Applicants have antedated the Dickey et al. patent with respect to all the subject matter disclosed therein.

CONCLUSION

Based on the foregoing remarks, reconsideration of the rejections and allowance of claims 1-24 are requested.

Respectfully submitted,

THE WEBB LAW FIRM

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